



Declaration (Redacted)

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

JANE DOE #1 and JANE DOE #2 on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

MG FREESITES, LTD, d/b/a
“PORNHUB”; MG FREESITES II,
LTD; MINDGEEK S.A.R.L.;
MINDGEEK USA INCORPORATED;
MG CY HOLDINGS LTD;
MINDGEEK CONTENT RT LIMITED;
9219-1568 QUEBEC, INC., d/b/a
MINDGEEK); MG BILLING LTD

Defendants.

CIVIL ACTION NO. 7:21-CV-00220

Honorable L. Scott Coogler

**DECLARATION OF [REDACTED]
IN SUPPORT OF DEFENDANTS’ OPPOSITION TO
PLAINTIFF’S MOTION FOR CLASS CERTIFICATION**

I, [REDACTED], do hereby declare and state as follows:

1) I am employed by Aylo Global Entertainment Inc., formerly known as MG Global Entertainment Inc. (“MindGeek”), as [REDACTED]. In this role, I oversee site safety features aimed at the prevention and detection of child sexual abuse material (CSAM) on MindGeek websites. This includes overseeing reporting to the National Center for Missing and Exploited Children (NCMEC), which acts as a clearinghouse for law enforcement

and child protection services; legal requests; user removal requests; content escalations; and technological tool implementation, among other responsibilities.

2) From 2013 until 2015, I worked at NCMEC as a call center specialist, taking reports relating to missing or exploited children, which reports would be then handled by the CyberTipline Division and Missing Children Division. From 2015 until November 2020, I worked at NCMEC in the CyberTipline Division. My positions included serving as a senior analyst for the CyberTipline—which included acting as a liaison with electronic service providers (ESPs)—and as a project specialist in charge of technological tool implementation. With my extensive experience at NCMEC and my understanding that MindGeek was a standard bearer in moderation in the online adult entertainment industry, I began working at MindGeek in November 2020.

3) I have personal knowledge of the matters described below based on my employment at MindGeek.

I. MindGeek Trust & Safety

4) MindGeek's Trust & Safety Group was formed in the Spring of 2020 for the purpose of formalizing MindGeek's existing policies for preventing, identifying, and responding to Terms of Service violations and to assist in efforts to continue to ensure the safety of MindGeek's websites.

5) The Trust & Safety Group works closely with the content moderation and compliance teams. We all use a constantly expanding set of technological tools, some offered by third parties and others developed internally, to detect known and potential CSAM.

6) In addition to the foregoing, MindGeek's T&S Group uses a number of other avenues to protect against CSAM being uploaded to Pornhub, Redtube and other MindGeek tube sites and to remove and report it promptly upon discovery. Some examples include but are not limited to partnering with NGOs and non-profits to improve processes and procedures; developing a Trusted Flagger Program to expand the universe of visitors to the sites who can flag potential CSAM and have it immediately deactivated; enhancing the Content Removal Request ("CRR") form so that content identified with a URL is removed automatically; and implementing and improving processes for reviewing user flags and comments on content and users; and for banning users that post or attempt to post content that is CSAM or potential CSAM. MindGeek is also constantly working on evolving its banned words list which helps ensure that all compliant content also has appropriate titles and tags.

7) Today, the Compliance Team, including moderation, has grown to approximately 186 people.

II. Technological Tools

8) Vobile MediaWise has been used to screen content against known CSAM and to fingerprint potential CSAM on Pornhub.com and Redtube.com since November 2019. The following technologies began being used on Pornhub.com on or around the dates indicated: CSAI Match/January 2020; Photo DNA/March 2020; Google Content Safety API/June 2020; Safeguard/August 2020; Yoti/December 2020; Safer by Thorn/January 2021; G2 Web Services/February 2021; Microsoft Azure Face API, plus MindGeek’s proprietary age estimation capabilities/July 2021; Spectrum Labs AI/September 2021; and Instant Image Identifier/December 2022. Because Redtube.com stopped accepting content for upload in December 2020, technologies used after that date were not used on that website.

III. The TOS08 List Is Comprised of Apparent CSAM, And Cannot Be Used to Identify or Notify Individuals Associated with Content on the TOS08 List

9) If content uploaded to MindGeek violates MindGeek’s Terms of Service (“TOS”), it is marked as such in the appropriate website’s Content Management System (“CMS”). Before April 2020, all content believed to be non-consensual, including potential CSAM, was categorized as a TOS01 violation. In June 2020, after MindGeek had started voluntarily reporting potential CSAM to NCMEC, MindGeek added a TOS category dedicated solely to CSAM—TOS08. From that point forward, all content, regardless of how it is identified that is thought

to be potential CSAM has been marked TOS08.

10) Because the TOS08 category did not exist until mid-2020, MindGeek retrospectively reviewed content that may have been previously categorized under a different TOS category or otherwise previously removed to determine if it should be reclassified to TOS08 and reported to NCMEC.

11) To accomplish this, MindGeek took many different steps. For example, MindGeek conducted key word searches of content removal requests and comments, searched for banned words in titles, re-reviewed user flags that suggested the presence of potential underage content, and re-reviewed content uploaded by users who previously had been reported to NCMEC. MindGeek also scanned all previously uploaded content using the then-available hashing tools to determine if any content matched to databases of known CSAM hashes. The goal was and remains to identify *all* potential CSAM, mark it as TOS08, and report it to NCMEC.

12) In response to Plaintiff's requests in this litigation, MindGeek produced data from the Pornhub and Redtube CMSs identifying the content uploaded to those sites that has been categorized as TOS08. See MindGeek_00493462, MindGeek_00486117, MindGeek_00336419, and MindGeek_0036420.

13) That data includes things such as content title, username of the uploader, the date of upload, the number of views the content received, the date the content was deactivated or rejected, and that the content was categorized TOS08 as

potential CSAM. The list does not include contact information for those in the content.

14) Because MindGeek reports all apparent CSAM content, the entries on the TOS08 list are not limited to actual CSAM but also include content determined to be potential CSAM through visual inspection and claimed to be CSAM by third parties where it is not possible to determine whether the content actually includes an underage person. The list also includes duplicate videos that were uploaded on more than one occasion. Even if not duplicates, the list also includes multiple videos of the same individual. It likewise includes content that never went live to the public because it was rejected during moderation.

15) A large portion of the content included on the TOS08 list was not removed in response to a CRR or other communication from a person in the content; therefore, MindGeek has no identifying or contact information for most of the persons in content included on the TOS08 list. Not all CRRs are first-hand claims but instead may be from a third party such as a trusted organization or concerned citizen who does not know the performer. Furthermore, because this contact information is information MindGeek does not have, it could not have been reported to NCMEC. Based on my experience at NCMEC and MindGeek, I do not believe NCMEC routinely collects or maintains the emails or other contact information for individuals depicted in apparent CSAM.

IV. Law Enforcement Cooperation and Reporting

16) In March 2020, MindGeek began voluntarily reporting all apparent CSAM to NCMEC.

17) From March to June 2020, MindGeek reported to NCMEC manually. After developing an automated reporting process, in June 2020, MindGeek implemented an automatic NCMEC reporting process which generates a NCMEC report for all content set to TOS08 status (i.e., “apparent CSAM”).

V. Jane Doe in the Northern District of Alabama

18) I understand that Jane Doe is Plaintiff in the above-captioned lawsuit and that content showing her was uploaded to Pornhub by [REDACTED]

19) MindGeek deactivated the videos uploaded by [REDACTED], fingerprinted them and reported those depicting apparent or claimed CSAM to NCMEC. To my knowledge, no video of Plaintiff has been reuploaded to a MindGeek website. MindGeek also banned [REDACTED]

20) MindGeek did not pay [REDACTED] any money for the videos he created and uploaded to MindGeek’s sites.

I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of October 2023, at

By:

